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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/599,827 | 10/11/2006 | Martinus Hermanus Wilhelmus Maria Van Delden | NL 040372 | 5227 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

WOOLCOCK, LENWORTH A

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

09/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,827

Applicant(s)

VAN DELDEN ET AL.

Examiner

LENWORTH WOOLCOCK

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurihara et al (US 6501529).

Consider claim 1, Kurihara discloses a touch sensitive display comprising an active substrate (**see abstract and fig. 7**), wherein driving circuitry for driving a pixel of said display and touch sensing circuitry are arranged on said active substrate (**see fig. 3, 4, and 5, elements 14, 15, and 29**), wherein said touch sensing circuitry comprises at least one component with a first and a second electrode (**see col. 3 lines 1-8**), wherein said electrodes are arranged to displace with respect to each other in response to a touch input (**see col. 3 lines 9-18**).

Consider claim 2, Kurihara discloses a passive substrate, wherein a pressure concentrator is arranged between said passive substrate and said first electrode to transmit an applied force between said passive substrate and said touch sensing circuitry **(see fig. 4 element 23 and col. 3 lines 1-8).**

Consider claim 3, Kurihara discloses said touch sensing circuitry comprises a capacitor comprising said first and second electrodes **(see fig. 4, element 25 and 15 form a capacitor)**, wherein said capacitor comprises at least one dielectric layer between said first and second electrodes, wherein at least one of said dielectric layers comprises a recess forming a gap between said electrodes **(see fig. 4).**

Consider claim 4, Kurihara discloses Touch sensitive display according to claim 3, wherein said capacitor also is operable as a storage capacitor in said driving circuitry **(see fig. 4, element 27 and 24 in effect also serve as storage capacitors for the drive circuitry since they are in capacitive contact with the display electrodes 15 and 25).**

Consider claim 5, Kurihara discloses a first dielectric material with a first dielectric and mechanical characteristic and a second dielectric material with a second dielectric and mechanical characteristic are arranged between said electrodes **(see fig. 4 and col. 3, lines 1-18).**

Consider claim 6, Kurihara discloses first dielectric layer comprises a first recess covering a part of an area between said first and second electrodes representing the capacitance of said capacitor, and said second dielectric layer comprises a second recess covering the same part of said area between said first and second electrodes,

wherein said first and second recesses form said gap between said electrodes (**see fig. 9, and col. 6 line 18 – col. 7 line 54**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurihara et al (US 6501529) in view of Young et al (WO/2003/079449).

Consider claim 7, Kurihara discloses the limitation of claim 1. Kurihara does not specifically disclose the touch sensing circuitry comprises a sacrificial transistor comprising said first and second electrodes, wherein said sacrificial transistor is provided with a gap between said first and second electrodes. Young discloses the touch sensing circuitry comprises a sacrificial transistor comprising said first and second

electrodes, wherein said sacrificial transistor is provided with a gap between said first and second electrodes (**see par. [0050]**).

It would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Kurihara, and have the touch sensing circuitry comprises a sacrificial transistor comprising said first and second electrodes, wherein said sacrificial transistor is provided with a gap between said first and second electrodes, as taught by Young, thus minimizing the space necessary to house a touch sensor.

Consider claim 8, Kurihara does not specifically disclose the sacrificial transistor comprises at least one of an amorphous silicon (a-Si) layer and a dielectric layer between said first and second electrodes, wherein at least one of said a-Si layer and said dielectric layer comprises a recess forming said gap. Young discloses the sacrificial transistor comprises at least one of an amorphous silicon (a-Si) layer and a dielectric layer between said first and second electrodes, wherein at least one of said a-Si layer and said dielectric layer comprises a recess forming said gap (**see par. [0052]**).

Consider claim 9, Young discloses wherein said sacrificial transistor is a thin-film transistor (**see par. [0050]**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENWORTH WOOLCOCK whose telephone number is (571)270-5152. The examiner can normally be reached on M-F 8:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571-272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lenworth Woolcock/
Examiner, Art Unit 2629

/Amare Mengistu/

Supervisory Patent Examiner, Art Unit 2629

